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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,055	07/09/2003	Alex Lee		3767

25859 7590 02/24/2006
WEI TE CHUNG
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1650 MEMOREX DRIVE
SANTA CLARA, CA 95050

EXAMINER

EBIRIM, EMEKA

ART UNIT	PAPER NUMBER
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2166

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/617,055	LEE ET AL.	
	Examiner	Art Unit	
	Emeka Ebirim	2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-13 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>07/09/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Status

1. The application has been examined and claims 1-13 have been restricted, claims 14-16 are rejected as detailed below and are pending in this office action.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I. Claims 1-13, drawn to material on shop floors in a database environment, classified in class 707, subclass 104.1.

Group II. Claims 14-16, drawn to material on shop floors with graphical display, classified in class 715, subclass 736.

The inventions are distinct, each from the other because of the following reasons: inventions group I and group II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention group II has separate utility such as addressing specifically the graphical display of the material on shop floors. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

During a telephone conversation with Mr. Wei Chung on 02/02/2006 a provisional election was made without traverse to prosecute the invention of System and method for monitoring material on shop floors, claims 14-16. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-13 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pat No: 6,128,617 to David D. Lowry (hereinafter Lowry) in view of Pat No 6,336,063 to Robert A. Beatty (hereinafter Beatty).

Claim 14.

Lowry discloses:

(a) selecting a position from a graphic [See Lowry, Col line 55-67, Col 2 line 35-40];

(b) refreshing and displaying the graphics according to the selection [See Lowry Col 7 line 55-59];

(d) integrating and classifying the transmitted data (integrating and listing of related information information) [See Lowry, Col 8 line 33-44, Col 4 line 34-39, Fig 7A,B]; and

(e) generating a table specific to the graphic [See Lowry, Col 8 line 41-44].

Lowry discloses the elements of claim 14 as disclosed above, but it does not explicitly indicate "shop floors" and "transmission" Beatty discloses the claimed "shop floors" [see Beatty abstract] and also indicates "data (information) transmission to a central (relational) database" [see Beatty Col 29 line 34-36].

It would have been obvious to one of ordinary skill in the art to have combined the two references because shop floors as disclosed by Beatty would have allowed Lowry's teaching to track, control and report information related to the operation of a factory. Furthermore it would have enabled Lowry to more efficiently track, inventory, production and hours of labor.[See Beatty Col 1 line 15-25]

Claim 15.

The combination of Lowry and Beatty discloses the element of claim 14 as indicated above and furthermore Beatty discloses wherein the graphic can be a global graphic of a company, a graphic of a country, a graphic of a subsidiary company, or a graphic of a workshop [Graphics for different locations See Beatty, Col 1 line 45-49, Fig 6].

Claim 16.

Lowry discloses:

selecting a country from a global graphic of the enterprise [See Lowry, Col 2 line 20-24, 35-40, Col 6 line 55-67, Fig 5B];

tabling integrated data of the selected country [integrating information, table, See Lowry, Col 2 line 45-50, Fig 13 A,B];

selecting one of said subsidiary companies from the graphic of the selected country [Col 6 line 55-67];

tabling integrated data of the selected one of said subsidiary companies [See Lowry, Col 2 line 45-50];

selecting one of said workshops from the graphic of the selected one of said subsidiary companies;

tabling integrated data of said selected one of said workshops [See Lowry, Col 2 line 45-50];

selecting a product line from the graphic of the selected one of said workshops [See Lowry, Col 6 line 60-67-Col 7 line 1-3];

tabling integrated data of the product line [See Lowry, Col 6 line 60-67, Col 2 line 45-50, Fig 13A].

Lowry discloses the elements of claim 16 as disclosed above, but it does not explicitly indicate "shop floors" and "magnifying a graphic" Beatty discloses the claimed

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"shop floors" [see Beatty abstract] and also discloses "magnifying a graphic" (graphical representation at different levels of detail) [See Beatty Col 2 lines 1-22].

It would have been obvious to one of ordinary skill in the art to have combined the two references because shop floors as disclosed by Beatty would have allowed Lowry's teaching to track, control and report information related to the operation of a factory. Furthermore it would have enabled Lowry to more efficiently track, inventory, production and hours of labor.

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emeka Ebirim whose telephone number is 571-272-3994. The examiner can normally be reached on 8:30pm - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Name: Emeka Ebirim
Art Unit: 2166

KHANH B. PHAM
PRIMARY EXAMINER

